UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF GEORGIA MACON DIVISION

HILDA L. SOLIS, :

Secretary of Labor, :

United States Department of Labor, :

Plaintiff,

v. : Case No. 5:10-CV-78 (CAR)

.

NEW CHINA BUFFET #8, INC., and :

YUN DA CHEN, an Individual, :

:

Defendants. :

STIPULATION TO DESIGNATION OF NATURE OF SUIT

COME NOW Plaintiff, Hilda L. Solis, and Defendants, New China Buffet #8, Inc., and Yun Da Chen, 1 by and through their undersigned counsel, and stipulate that the Civil Cover Sheet on file in this action may be amended to reflect the correct nature of the suit.

This case has been brought under the Fair Labor Standards Act. However, on the original Civil Cover Sheet, Plaintiff erroneously and inadvertently placed the "X" in Box 791 (Employment Retirement Income Security Act), as opposed to Box 710 (Fair Labor Standards Act). The parties agree that this technical error should be corrected so as to properly reflect the nature of the suit. Accordingly, the Civil Cover Sheet should be amended by removing the "X" in Box 791 and placing an "X" in Box 710.

[Signatures on following page]

¹ As set forth in these Defendants' Amended Answer, New China Buffet #8, Inc., has not existed as a corporation since July 27, 2009. However, until that Defendant is removed from the case, counsel for Defendant Yun Da Chen will submit on behalf of both Defendants any documents required to be filed and/or served.

Respectfully submitted, this 11th day of January, 2011.

M. PATRICIA SMITH Solicitor of Labor

STANLEY KEEN Regional Solicitor

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